

PATENT APPLN. NO. 10/811,302
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT
NON-FINAL**

REMARKS

The specification has been amended to correct minor informalities. None of the amendments introduces prohibited new matter into the application.

The claims have been amended to avoid the bases for the rejection under the second paragraph of 35 U.S.C. § 112 and to define the method and apparatus of the invention in terms which overcome the 35 U.S.C. § 102 rejection.

The claims as amended require a plastic film girdle (18) (to be applied around a package (16) to be packaged) to be formed by winding a shrinkable and/or stretchable wrapping plastic film band (15) around a supporting frame having a width and height larger than the width and height of the product (16) to be packaged a plurality times and to have a dimension in the direction of movement of the product (16) or of the girdle (18) that is smaller than the dimension of the product (16) in the direction of said movement. I.e., the width of the plastic girdle (18) is smaller than the longitudinal dimension of the product to be packaged.

Support for the amendment to the claims to recite wrapping the plastic film band around the supporting a plurality of times to form the plastic film girdle can be found in the specification, inter alia, in the paragraph bridging pages 6 and 7 of the

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specification, the paragraph beginning in line 28 of the specification and the paragraph bridging pages 7 and 8 of the specification. Support for the limitation regarding the dimension of the plastic film girdle being smaller than the longitudinal dimension of the product to be packaged can be found throughout the description in the specification when read in light of the drawings.

The winding of the shrinkable and/or stretchable wrapping plastic film band around the supporting frame a plurality of times forms a girdle that is as strong as a steel band or hard plastic band but is softer and more resilient. The girdle is formed prior to moving the product to be packaged between the supporting frame by wrapping the shrinkable and/or stretchable wrapping plastic film band (15) around the supporting frame, the supporting frame consisting of supporting elements that can be removed from the supporting frame and the plastic film girdle and allow the girdle to shrink and tighten around the product to be packaged.

Coré, U.S. Patent No. 6,751,931, the reference relied upon by the Office in the rejection under 35 U.S.C. § 102, discloses a method and device for wrapping a group of products in which the film is wrapped around supporting elements only one time and in which the film has a length that is substantially the same as the

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longitudinal dimension of the group of products. (See, for example, Col. 3, lines 44-46 and 60-67). A group of products extending in a longitudinal direction as in Ceré cannot be wrapped by a narrow girdle.

Céré does not disclose each of the elements recited in the claims of the present application as amended and cannot support a rejection for anticipation under 35 U.S.C. § 102. Moreover, Ceré cannot be properly modified as required to obtain the method and apparatus of the present invention because such modification will destroy the invention on which Ceré is based and, therefore, cannot support obviousness under 35 U.S.C. § 103(a).

Removal of the 35 U.S.C. § 102 rejection and an allowance of the claims of the application are believed to be in order and are respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated June 3, 2005, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of

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time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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